



**The Chambers at City Center
8534 Main Street – Woodstock, Georgia**

**Regular Meeting of the Planning Commission
Draft Minutes
July 11, 2013 Thursday, 7:00 PM**

Item 1: PLEDGE OF ALLEGIENCE

Item 2: CALL TO ORDER

In attendance: Jay Evans, Julianne Stewart, James Drinkard, Lee Zell, Jeff Wood, K. Scott Gordon. **Absent:** John Szczesniak.

Staff: Community Development Director Jessica Guinn, Current Planner Patti Hart.

Item 3: APPROVAL OF MINUTES

A) Approval of June 6, 2013 Regular Meeting Minutes

MOTION TO APPROVE MINUTES OF JUNE 6, 2013 AS WRITTEN

**By Jeff Wood
2nd K. Scott Gordon**

Approved 4-0 (Jay Evans and Julianne Stewart abstained)

Item 4: PETITIONS AND COMMUNICATIONS

- A) PUBLIC HEARING-** The City of Woodstock, Georgia has received a Variance application from AVGLC, LLC of Ossing, NY (**Case V#114-13**). The property is located at 185 Woodstock Parkway in Woodstock, Georgia consisting of ±1.7 acre. The property is identified as tax map and parcel number 15N11 019A currently zoned DT-GC (Downtown General Commercial) in the City limits of Woodstock, GA. The request is to waive the requirement for a Code Compliance Certificate in LDO Sec 7.723 in order to improve the building façade without having to comply with the development guidelines of DT-GC, which includes moving the building closer to the street.

Jessica Guinn presented the staff report with DPC recommendation as follows;

At the June 5, 2013 meeting the Development Process Committee vote to approve the applicants request for a variance to waive LDO Sec. 7.723 Code Compliance Certificate. The variance is granted with exception of the following code sections which must be met;

- 1) The applicant shall screen public parking areas from the street with landscaping in accordance with LDO Sec 7.726#6.
- 2) The applicant shall use materials stipulated in LDO Sec. 7.729#3.

- 3) Any awning or canopy shall be in conformance with LDO Sec 7.729#4.
- 4) The outdoor patio area shall not be enclosed with screen wire or glass as stipulated in LDO Sec. 7.729 #11.
- 5) In accordance with LDO Sec. 7.729#12 porch and arcade columns shall be a minimum width of eight (8) inches.

Realizing that this area is a key gateway to Downtown, staff's intent is to maintain the architectural requirements of the DT district while allowing the applicant to improve the façade without adhering to the street facade and sidewalk area requirements.

APPLICANT:

Gregory Bistolas – Owner of the proposed business. We are not proposing major changes to the property, the existing surface is stucco and we would like to use the existing structure but will remove the chrome treatment and repair the existing stucco surface and make some façade changes to create a new look. The previous owner did not have the best reputation and we want to create a different look in order to distance ourselves from the previous image. The property owner/landlord is not interested in making improvements to this property himself. We are willing to make those changes to make this a viable business and more than an eyesore that it has been for the last few years.

QUESTIONS:

Jeff Wood- Is this a long term lease? Is the entire lot paved, no pervious? Are you willing to accommodate moped / bike parking as required by code? (4-5 spaces). Have you seen the list staff has provided listing all variances needed?

Greg Bistolas – Yes (to all).

K. Scott Gordon – What is the roof material over the outdoor seating area?

Greg Bistolas – Wood.

Jay Evans – What work will you be doing to the parking lot?

Greg Bistolas – The landowner is not willing to repave with concrete so repaving will be the most economical, using same parking layout; with the accommodation for moped parking.

Jeff Wood – There is quite a bit of signage on the rendering which might have conformance issues.

Greg Bistolas – Yes, those will not be there. This was just a quick concept rendering done by the architect.

K. Scott Gordon – The site is over parked, would like to see something done to acknowledge if not address the open space requirements. Parking lot is so stark, concrete is highly reflective – would like to see us take the opportunity, if we are over parked, to put forth a recommendation for tree islands or landscaping or something to council.

Jessica Guinn – The applicant does not own the property so we may need to bring them into these discussions but we will continue to work with the applicant between now and then to see what can be done.

Jeff Wood – By the survey it appears that the landscaped area is not in the subject property.

Jessica Guinn – Code would require the applicant to screen the southern border parking from view of Town Lake Parkway as well.

PUBLIC HEARING

OPENED

NO SPEAKERS
CLOSED

***MOTION TO APPROVE CASE#V114-13 WITH STAFF RECOMMENDATIONS 2, 3, 4
AND 5 AND THE ADDITION OF CONDITIONS 6 AND 7 AS FOLLOWS;***

- 1) Strike*
- 6) Add requirement 7.726 #15 Bike/Moped Parking*
- 7) Add requirement 7.725 to achieve 20% Open Space.*

**By Jeff Wood
2nd Jay Evans**

Jeff Wood – Due to location of this property the requirement to shield the parking with landscaping doesn't make sense. If they put a road in there... (audio issues). Not happy about impervious nature of the property, at least if they add 20% greenspace in the lot itself – since the existing landscaped area does not appear to be on this property and wouldn't count toward the open Space requirement. Moped parking – you're already over parked anyway.

Jay Evans – This eyesore, new façade will be an improvement. Agree with Jeff Wood. When this restaurant is fully packed it won't look fully packed with all the open space, so adding plantings islands shrubbery good for business in that the lot won't appear so empty.

K. Scott Gordon- 7729 #3 Materials; Stucco and Efface is not permitted but concrete fiber cement board is a viable alternative; commercially available, permitted by code and equal to stucco in terms of cost.

Lee Zell – I like the proposed design of the building but see a massive sea of asphalt. Additional green in over parked lot will be more appealing for the community. See an opportunity for increased green space, particularly in the NE top quadrant against Woodstock Parkway.

Jeff Wood – What is the function of the metal building in back of the photo?

Greg Bistolas – Storage – we plan to take it out.

Jeff Wood – Just want to bring up that they will need to enclose the dumpster.

Motion passes by unanimous vote.

Item 5: NEW BUSINESS

DISCUSSION: Eldon Basham of Moore, Ingram, Johnson and Steele - Legal Review

James Drinkard recognized audience members Council Members Bud Leonard and Bob Mueller and introduced City Attorney Eldon Basham.

Points covered;

Refer to code sections when you make recommendations etc...specificity benefits Council.

Staff report provides answers to criteria for granting variances. You may have considered them in your individual review but it is good idea to address them verbally on the record as well.

Could be good if it goes to court.

Planning Commission is a recommending body Council is held liable for final decisions;

Concern for individual liability is minute; malicious intent must be demonstrated in court.

An applicant's attempt to overturn a council decision will take it through a legal proceeding that can scrutinize the Council Minutes as well as the Planning Commission minutes. Be aware that off-handed comments can be used against the City. Stay on task and make relevant arguments regarding the items up for discussion.

Review of Municipal Immunity and relevant case law.

Members cannot discuss cases if a quorum is present. Can also apply to email.

Members can speak with applicants in advance of a meeting but always end the discussion with the fact that you will be considering all of the facts at the time of the hearing.

It is a conflict of interest if you or a member of your family can make a profit out of the deal.

It is a good idea for staff to say into the record that they have presented you with the recommendations and conditions and for you in your motion to say 'we had them before us and have considered these'. Verbalize reason for approval or denial is based on specific criteria provided in the report.

Brief review of signage case law and ability to address in code based on time, place and manner and not content.

Item 6: PROJECT UPDATES

The Zoning Administrator position has been changed to Current Planner. Katie Coulborn is now the Long Range Planner. No cases in August. We have a Rezoning on Putnam Rd and an Annexation and Rezoning on the September schedule. Z#065-13 – 122 Dupree Approved as recommended by PC. V#113-13 – Del Taco Tabled at Council pending Architectural Review/Approved 7.8.13. LDO CH 7 – Approved as recommended. LDO CH 6 - Approved as recommended.

Item 7: FINAL ADJOURNMENT